

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LACIE MCGEE,

Plaintiff,

v.

GGNSC GRAND ISLAND LAKEVIEW
LLC d/b/a GOLDEN LIVING CENTER
GRAND ISLAND LAKEVIEW

Defendant.

Case No.: _____

NOTICE OF REMOVAL

GGNSC Grand Island Lakeview LLC d/b/a Golden LivingCenter-Grand Island Lakeview (hereinafter “Golden Living”), by counsel and pursuant to 28 U.S.C. § 1441, hereby gives notice of the removal of the above-styled action to this Court. In support of its Notice of Removal, Golden Living states as follows:

1. There is commenced and now pending in the District Court of Hall County, Nebraska, a civil action in which the above-named Lacie McGee is the Plaintiff and Golden Living is the Defendant. Plaintiff’s Complaint seeks damages for alleged sexual harassment, discrimination and retaliation. In accordance with 28 U.S.C. §§ 1446(a), 1447(b), and 1449, a true and accurate copy of all process, pleadings, and orders served, filed, or entered in the state court action as of the date of the filing of this removal is attached hereto as Exhibit A.

2. Pursuant to 28 U.S.C. § 1446(d), on March 7, 2016, Golden Living electronically filed a Notice of Filing with the Clerk of the District Court of Hall County, Nebraska in Case No. D08CI160000098, *Lacie McGee v. GGNSC Grand Island Lakeview LLC*. On the same day,

Golden Living caused the Notice of Removal, along with this Notice of Filing, to be served upon the individuals listed on the Certificate of Service below.

3. The applicable statute governing removal, 28 U.S.C. § 1441, provides in pertinent part:

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

Thus, removal is proper under 28 U.S.C. § 1441 where this Court has original subject matter jurisdiction of the action and the removal is timely filed.

4. Here, this Court has original subject matter jurisdiction of this action according to 28 U.S.C. § 1331, which provides that “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

5. Plaintiff seeks to recover damages arising out of alleged violations of Title VII of the Civil Rights Act of 1964. (Pl. Compl. ¶ 1). These claims involve a federal statute providing original jurisdiction to federal district courts, and thus may be removed as a matter of law. Consequently, this Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1441.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

7. Plaintiff’s Complaint was filed on or about February 1, 2016. Golden Living was served with the Complaint on February 8, 2016. This Notice of Removal was filed March 7, 2016.

8. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed with the Court within thirty (30) days after service on Golden Living.

CONCLUSION

For the foregoing reasons, Defendant Golden Living submits that this Court's removal jurisdiction is properly invoked in this action.

Respectfully submitted,

/s/ Ruth A. Horvatic

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2016, I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by first class United States mail the document to the following counsel:

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/s/ Ruth A. Horvatic
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